

## FORM 26. Docketing Statement

# UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

No. 2014-1294

Purdue Pharma L.P.

v.

Epic Pharma, LLC

## DOCKETING STATEMENT

This Docketing Statement must be completed by all counsel and filed with the court within 14 days of the date of docketing. When the United States or its officer or agency is a party, this Docketing Statement must be completed by all counsel and filed with the court within 30 days of docketing. All questions must be answered or the statement will be rejected.

Name of the party you represent Purdue Pharma L.P., The P.F. Laboratories, Inc., Purdue Pharmaceuticals L.P., Rhodes Technologies

Party is (select one)



Appellant/Petitioner



Cross-Appellant



Appellee/Respondent



Intervenor

Tribunal appealed from and Case No. S.D.N.Y. 13-cv-00683-SHS

Date of Judgment/Order January 29, 2014 Type of Case Patent Infringement

Relief sought on appeal Reversal and/or remand

Relief awarded below (if damages, specify) \_\_\_\_\_  
Denial of Plaintiffs' requests for relief

Briefly describe the judgment/order appealed from \_\_\_\_\_  
Action for patent infringement arising under Hatch-Waxman Act, relating to three patents covering a greatly reduced level of a particular impurity in the active ingredient in Purdue's OxyContin® tablets. Judgment of invalidity based on collateral estoppel from a related case, which is the subject of Appeal Nos. 14-1311, -1312, -1313, and -1314.

**FORM 26. Docketing Statement (continued)**

Nature of judgment (select one)

- ☒ Final Judgment, 28 USC 1295
- ☐ Rule 54(b)
- ☐ Interlocutory Order (specify type) \_\_\_\_\_
- ☐ Other (explain; *see* Fed. Cir. R. 28(a)(5)) \_\_\_\_\_

Name and docket number of any related cases pending before this court plus the name of the writing judge if an opinion was issued \_\_\_\_\_

Purdue Pharma L.P. v. Mylan Pharmaceuticals Inc. (Appeal No. 14-1296)

Purdue Pharma L.P. v. Amneal Pharmaceuticals, LLC (Appeal Nos. 14-1306, -1307)

Grunenthal GmbH v. Teva Pharmaceuticals USA, Inc. (Appeal Nos. 14-1311, -1312, -1313, -1314)

Brief statement of the issues to be raised on appeal \_\_\_\_\_  
The issues are obviousness and claim construction.

Have there been discussions with other parties relating to settlement of this case?

☐ Yes ☒ No

If "yes," when were the last such discussions?

- ☐ Before the case was filed below?
- ☐ During the pendency of the case below?
- ☐ Following the judgment/order appealed from?

If "yes," were the settlement discussions mediated? ☐ Yes ☐ No

If they were mediated, by whom? \_\_\_\_\_

**FORM 26. Docketing Statement (continued)**

Do you believe that this case may be amenable to mediation? ☐ Yes ☒ No

If you answered no, explain why not \_\_\_\_\_

Purdue does not believe that the involvement of a mediator would materially impact the prospects for settlement.

Provide any other information relevant to the inclusion of this case in the court's mediation program. \_\_\_\_\_

I certify that I filed an original and one copy of this Docketing Statement with the Clerk of the United States Court of Appeals for the Federal Circuit and served a copy on counsel of record, this 5<sup>th</sup> day of March, 2014

by: CM/ECF  
(manner of service)

Robert J. Goldman	/s/ Robert J. Goldman
_____ Name of Counsel	_____ Signature of Counsel

Law Firm Ropes & Gray LLP

Address 1900 University Avenue, 6th Floor

City, State, ZIP East Palo Alto, CA 94303

Telephone Number (650) 617-4000

FAX Number (650) 566-4150

E-mail Address robert.goldman@ropesgray.com

**CERTIFICATE OF SERVICE**

On March 5, 2014, the undersigned caused electronic copies of the foregoing document to be sent to the following:

Thomas J. Vetter  
LUCAS & MERCANTI, LLP  
475 Park Avenue South, 15th Floor  
New York, NY 10016  
[tvetter@lmiplaw.com](mailto:tvetter@lmiplaw.com)

*Attorney for Defendant/Appellee  
Epic Pharma, LLC*

/s/ Kerstyn Crumb  
Kerstyn Crumb  
ROPES & GRAY LLP  
1900 University Avenue, 6<sup>th</sup> Floor  
East Palo Alto, CA 94303  
(650) 617-4000  
[kerstyn.crumb@ropesgray.com](mailto:kerstyn.crumb@ropesgray.com)